

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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LAWRENCE G. MALONE
General Counsel

JOHN C. CRARY
Secretary

May 5, 1998

Hon. Magalie Roman Salas
Secretary
Federal Communications
Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: In The Matter of Petition of Bell Atlantic
for Relief from Barriers to Deployment of Advanced
Telecommunications Service. CC Docket No. 98-11

Dear Secretary Salas:

The New York Department of Public Service (NYDPS) hereby replies to the comments in the above-captioned proceeding that suggest the Commission should forbear from federal regulation to encourage deployment of advanced telecommunications services (USTA Comments p.3, 14-21 and GTE Comments p. 4-8). We agree that the deployment of advanced telecommunications networks should be encouraged. However, the broadband network envisioned will use, in part, the same facilities as today's narrow band network. Since the local loop will be used to deploy these broadband networks and the local markets have not been opened to commercially viable local competition, it is premature for the Commission to forbear from applying its price-cap and separate affiliate rules or unbundling and resale requirements.

The NYDPS recommends that, until the Commission is assured that potential competitors have viable access to the local loop, the Commission should not diminish the Regional Bell Operating Companies' obligations under the Act.

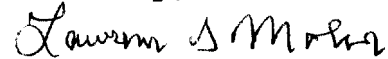
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Hon. Magalie Roman Salas

May 5, 1998

An original and twelve copies of this letter are enclosed. Also, a copy is being provided to Ms. Janice Myles of the Common Carrier Bureau and one copy is being sent to the Commission's document contractor, ITS.

Sincerely,



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Enclosure

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